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NATIONS

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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Fourth Meeting

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 November 1993, at 10.30 a.m.

Temporary Chairman: Mrs. KLEIN-BIDMON (Representative of the Secretary-General)

Chairman: Mr. NATH (Mauritius)

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The meeting was called to order at 11 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, declared open the Fifth Meeting of the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. She first wished to announce that Mr. Ibrahima Fall, the Assistant-Secretary-General for Human Rights, had asked her to extend on his behalf a warm welcome to the distinguished representatives of the States parties to the Convention and to convey his regrets at his inability to attend, since he was away from Geneva.

3. Since the Third Meeting, on 26 November 1991, the ratifications of or accessions to the Convention had increased from 61 to 79. That was clearly a matter for satisfaction, reflecting as it did the international community's continuing interest in advancing the goals and objectives of the Convention. It was a particular pleasure to welcome the representatives of the new States parties who were attending for the first time.

4. She recalled that the Committee against Torture had been established by the States parties in accordance with article 17 of the Convention and had thus far held 11 sessions. During the four sessions convened since the last Meeting in 1991, the Committee had considered reports submitted by 28 States parties. The total number of reports due to date was 111. Of those, 66 had been received thus far. Apart from those received within the past few weeks or those whose consideration had been postponed at the request of the Governments concerned, all of them had been examined.

5. The Committee had continued its work relating to confidential inquiries under article 20 of the Convention and had considered a number of communications submitted under article 22. Its activities under the confidential procedures had increased during the past year or so. It had also been pursuing its efforts to strengthen cooperation and coordination with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the European Committee for the Prevention of Torture and had discussed such other matters as the improvement of its methods of work, the question of a draft optional protocol to the Convention, which was under consideration in an open-ended working group of the Commission on Human Rights, and its contribution to the World Conference on Human Rights, in which its representatives had actively participated.

6. The Fifth Meeting of the States Parties had been convened primarily to take decisions on two important issues: the election of five members of the Committee against Torture to replace those whose terms of office would expire on 31 December 1993; and the question of the responsibilities of the States parties for the expenses referred to in article 17, paragraph 7, and article 18, paragraph 5, of the Convention.

7. Concerning the election of the five members of the Committee, she recalled that, in a note dated 15 June 1993, the Secretary-General had invited

the States parties to submit their nominations of candidates by 15 September 1993. The names of the persons so nominated and of the respective States parties were listed in document CAT/SP/15 and Adds. 1 to 4. In that connection, she announced that the Austrian Government had withdrawn the candidature of Mr. Wolfram Karl. The names of the five members of the Committee whose terms expired on 31 December 1993 and of the five members of the Committee who would continue to serve until 31 December 1995 were listed in annexes I and II, respectively. The biographical data furnished by the States parties concerned appeared in annex III.

8. Regarding the financial responsibilities of the States parties under the Convention, she drew attention to document CAT/SP/16 and Add.1, which contained the report submitted by the Secretary-General on the status of contributions received from States parties and of actual expenditures and anticipated commitments for the fifth and sixth financial periods of activities under the Convention (1992 and 1993) and the modalities of payment for the next financial period (1994). The representative of the Financial Resources Management Service would provide additional information in that regard shortly.

9. In January 1992, Australia had proposed amendments to the Convention with a view to including the financing of activities under the Convention in the regular budget of the United Nations. A conference of the States parties, convened by the Secretary-General in New York on 9 September 1992, had adopted those amendments, which had subsequently been endorsed by the General Assembly in its resolution 47/111. Amendments entered into force after they had been accepted by two thirds of the States parties. To date, seven States parties had notified the Secretary-General that they had accepted the amendments.

ELECTION OF THE CHAIRMAN (item 2 of the provisional agenda)

10. Mr. de RIEDMATTEN (Switzerland) nominated Mr. Nath (Mauritius) for the office of Chairman.

11. Mr. NATH (Mauritius) was elected Chairman by acclamation and took the Chair.

12. Mr. GHIKAS (Greece), speaking on behalf of the European Union, said that the European Union had stated its position on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), in many United Nations forums, such as the Meeting of the States parties to the Convention on the Rights of the Child in New York on 23 February. It wished to reiterate that its position had not changed since then.

13. Mr. KORHONEN (Finland), speaking on behalf of the four Nordic delegations of Denmark, Norway, Sweden and Finland, wished to reiterate the statements made by their Governments on a number of occasions on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), for example, at the Conference of the States parties to the Convention against Torture in New York on 9 November 1992.

14. Mr. SCHERK (Austria) said that his delegation wished to reiterate the statements that it had made on earlier occasions with regard to the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the Meeting.

15. Mr. DUBOIS (Canada) said that his delegation associated itself with the statements made by Greece, Finland and Austria concerning the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the Meeting.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CAT/SP/14)

16. The CHAIRMAN said that, if there was no objection, he would take it that the Meeting of States parties wished to adopt the provisional agenda (CAT/SP/14).

17. It was so decided.

18. The CHAIRMAN drew the attention of the Meeting to rules 2 and 3 of the rules of procedure, which provided that the credentials of representatives and the names of members of delegations should be submitted to the Secretary-General before the opening of the Meeting. The Secretary-General, in his note of 21 October 1993, had invited the States parties to be represented at that Meeting to forward the credentials of their representatives to him, if possible not less than one week before the date of the Meeting. He had been informed that the Secretary-General had yet to receive proper credentials from some of the States parties represented. He suggested that the representatives of those States parties should be entitled provisionally to participate in the Meeting and urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

19. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING (agenda item 4)

20. The CHAIRMAN said that, under rule 4 of the rules of procedure, the Meeting was required to elect one to four Vice-Chairmen from among the representatives of the States parties.

21. Mr. MACRIS (Cyprus) nominated Mr. Yambao (Philippines) for the office of Vice-Chairman.

22. Mr. VENERA (Czech Republic), speaking on behalf of the group of East European countries, nominated Mr. Dembinski (Poland) for the office of Vice-Chairman.

23. Mr. Yambao (Philippines) and Mr. Dembinski (Poland) were elected Vice-Chairmen by acclamation.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1993, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 to 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (CAT/SP/15 and Adds. 1 to 4) (agenda item 5)

24. The CHAIRMAN said that, under article 17 of the Convention, the States parties had to elect five new members of the Committee to replace the members whose terms of office were due to expire on 1 December 1993. The new members would serve for a term of four years beginning in January 1994.

25. The names of the candidates and relevant biographical information were contained in document CAT/SP/15 and Adds. 1 to 4, which also gave the names of the five members whose terms of office were due to expire and of the five members who would continue to serve on the Committee until 31 December 1995.

26. The list of candidates consisted of 12 names and, under rule 14 of the rules of procedure, the election to fill the vacancies would be held by secret ballot.

27. A vote was taken by secret ballot.

28. At the invitation of the Chairman, Ms. Araujo (Portugal) and Mr. Guidetti (Switzerland) acted as tellers.

Number of ballot papers:	62
Invalid ballots:	None
Number of valid ballots:	62
Abstentions:	None
Number of representatives voting:	62
Required majority:	32
Number of votes obtained:	
Ms. Ahouandogbo (Benin)	3
Mr. Assouma (Togo)	3
Mr. Dipanda Mouelle (Cameroon)	23
Mr. Goncharenko (Ukraine)	12
Mrs. Iliopoulos-Strangas (Greece)	49
Mr. Karabec (Czech Republic)	25
Mr. Mikhailov (Bulgaria)	19
Mr. Oucharif (Morocco)	19
Mr. Regmi (Nepal)	27
Mr. Sadi (Jordan)	26
Mr. Sorensen (Denmark)	44
Mr. Yakovlev (Russian Federation)	42

29. Having obtained the required majority and the highest number of votes, Mrs. Iliopoulos-Strangas (Greece), Mr. Sorensen (Denmark) and Mr. Yakovlev (Russian Federation) were elected members of the Committee.

30. The CHAIRMAN said that, since the number of candidates elected was smaller than the number of vacancies, it was necessary under rule 15 of the rules of procedure to proceed to a second ballot to fill the remaining vacancies, the voting being restricted to those runners-up in the first ballot who had obtained the largest number of votes and the number of candidates being not greater than twice the number of remaining vacancies. The eligible candidates were: Mr. Dipanda Mouelle, Mr. Karabec, Mr. Regmi and Mr. Sadi.

31. He suggested that the second ballot might be deferred until the next meeting.

32. It was so decided.

RESPONSIBILITIES OF THE STATES PARTIES FOR THE EXPENSES REFERRED TO IN ARTICLE 17, PARAGRAPH 7, AND ARTICLE 18, PARAGRAPH 5, OF THE CONVENTION: REPORT OF THE SECRETARY-GENERAL (CAT/SP/16 and Add.1) (agenda item 6)

33. The CHAIRMAN drew attention to the report of the Secretary-General (CAT/SP/16 and Add.1) on the status of contributions received from States parties, actual expenditure during the first, second, third, fourth and fifth financial periods (1987-1992), estimated expenditure for the sixth financial period (1993), and anticipated commitments for the seventh and eighth financial periods (1994 and 1995).

34. Mrs. LATTUADA (Chief, Programme Planning and Budget Section, Financial Resources Management Service) said that the estimated budgets for 1994 and 1995 were based on the requirements of previous years and the projected increases in expenditure resulted from inflation rather than from a growth in resources. The estimates relating to conference servicing were based on the assumption that the Committee would continue to use four official languages. Paragraph 17 of the report dealt with the financial implications of using one or two additional languages.

35. As to the status of contributions, the report gave details of all contributions received up to 15 September 1993. Since that date, an additional $26,000 had been received, while total contributions so far received for all financial periods amounted to $5,996,000. Total outstanding contributions amounted to $1,560,000. Since total disbursements and commitments amounted to $6,180,000, the resulting shortfall was $184,000.

36. Document CAT/SP/16/Add.1 dealt with arrangements for financing the activities of the Committee. She drew attention to the fact that the current financial arrangements would be discontinued on 31 December 1993, in accordance with General Assembly resolution 47/111. As from 1 January 1994, the Committee would be financed from the regular United Nations budget.

37. The estimated programme budgets, as contained in document CAT/SP/16, were adopted by consensus.

38. The CHAIRMAN read out the text of the following draft resolution on the financial responsibilities of the States parties:

"The States parties to the Convention against Torture,

Meeting for the fifth time, on 24 November 1993,

Aware of their responsibilities under article 17, paragraph 7, and article 18, paragraph 5, of the Convention,

1. Take note of the report by the Secretary-General contained in document CAT/SP/16 and Add.1;

2. Welcome the adoption by the Conference of the States parties to the Convention, which was convened in New York on 9 September 1992, of the amendments to articles 17 and 18 of the Convention concerning the financial responsibilities of the States parties with regard to the activities implemented under the Convention;

3. Welcome the endorsement by the General Assembly, in its resolution 47/111 of 16 December 1992, of the amendments to articles 17 and 18 of the Convention;

4. Encourage States parties to accept those amendments without delay and to notify their acceptance in accordance with article 29, paragraph 2, of the Convention;

5. Urge States parties that have not yet paid their assessed contributions, and in particular those whose arrears pertain to two or more consecutive financial periods, to fulfil their obligations forthwith."

39. The draft resolution was adopted by consensus.

40. Mr. JIB YONGJIAN (China) drew attention to the fact that only some official United Nations languages were used at the Meetings of States parties to the Convention against Torture.

41. He proposed that the Chairman should hold consultations with States parties after the current Meeting with a view to the amendment of rules 16 and 17 of the rules of procedure of the Meetings of States parties to the Convention (CAT/SP/2/Rev.1) to ensure that all official and working languages of the United Nations could be used for the Meetings of States parties and for the official records of those Meetings.

42. The CHAIRMAN said that he would consult the Secretariat on that proposal.

43. Mr. AKTAN (Turkey) recalled that the Committee against Torture had concluded its confidential procedure on Turkey by circulating the summary account of its confidential report, which contained the grave accusation of the existence of systematic torture.

44. Since Turkey was the first country to which the Committee had applied the confidential procedure, the lessons to be drawn could be useful both for the Committee and for the States parties to the Convention.

45. Turkey was naturally disappointed at the outcome of the procedure, but had nevertheless done its best to cooperate with the two members of the Committee designated to make the inquiry.

46. He would refer to the confidential report rather than to the summary account, since it concealed the mistakes embodied in the report. Those mistakes were by no means trivial, however; indeed, they were so important that they had determined the outcome of the procedure. Although the summary account had conjured away those mistakes, it had, illogically, preserved the conclusion of the confidential report.

47. In the confidential report, the two members of the Committee had described a general context within which torture was perpetrated. It contained several mistakes and made absolutely no mention of terrorism. For example, according to the two members of the Committee, the Turkish security forces were fighting the "Kurdish population", estimated at 12 million, in the south-eastern region of Turkey, which they called "Kurdistan"; and, in that struggle, PKK "combatants" and "activists", who were identified with the "Kurdish population", were imprisoned by Turkey for political crimes. The outcome of the inquiry had been predetermined by placing the practice of torture within that context. Turkish security forces were presented as systematically torturing the "Kurdish population" or "PKK combatants" as part of their broader repression.

48. The context described in the confidential report did not correspond to the facts. The entire population of the south-eastern region of Turkey was not 12 million persons, but 2.9 million, and they were not all Kurds. Moreover, most of the violent incidents took place in certain parts of that region. The Kurdish population probably numbered about 10 million in all; more than 3 million of them spoke an altogether different dialect and did not consider themselves Kurds. Most of the Kurds lived in western Turkey in peace and tranquillity.

49. Historically, there had never been a region called "Kurdistan". Within the United Nations, the use of geographical denominations not accepted by Member States was inadmissible, in accordance with a resolution of the third United Nations Conference on the Standardization of Geographical Names, held in Athens in September 1977. The members of the Committee should therefore avoid using the loose terminology of certain irresponsible non-governmental organizations.

50. PKK had started its campaign on 15 August 1984 by murdering 54 Kurdish civilians, mostly women and children, in the village of Pinarcik. Since then, they had killed more than 2,000 people, mostly Kurds. Turkish security forces tried to stop the killing of innocent Kurds by the few PKK terrorists and their supporters, who were trained or indoctrinated in some of Turkey's neighbouring countries and in Europe.

51. In view of the number of innocent Kurdish victims, it was therefore correct to say that there was a terrorist organization in the south-eastern region. Calling it anything but terrorist would be an attempt to legitimize it, and that was not befitting in a United Nations legal body.

52. Contrary to what the two members of the Committee had suggested, Turkey had no punishment for political crimes in its legislation and there were no political prisoners or political prisons in Turkey.

53. To perceive the conflict in the south-eastern region of Turkey as taking place between Turkish security forces and the Kurdish population was therefore illusory.

54. In paragraph 5 of their report, the two members of the Committee said that the information forwarded by non-governmental organizations was "credible" and contained well-founded indications that torture was

systematically practised in Turkey. In fact, the two members had never tried to verify the allegations with the Turkish authorities. It was safe to guess that none of those allegations, most of which had been sent by Amnesty International, was supported by "clear evidence". In a letter to that organization dated 5 March 1992, the Turkish Government had asked how it justified allegations when domestic as well as international judicial means were available to the victims; and how Amnesty International interpreted the concept of "clear evidence".

55. No communication by or on behalf of any individual subject to Turkish jurisdiction had ever been submitted to the Committee under article 22 of the Convention. Moreover, Turkey was one of the members of the Council of Europe against which the fewest individual communications of torture had been filed.

56. In its reply of 26 April 1993, Amnesty International had stated that the allegations were supported by a wide range of evidence: court judgements, official documents, medical certificates and photographs.

57. None the less, all of Amnesty International's reports, presumably including the one submitted to the Committee, were full of unsubstantiated allegations. Amnesty International always criticized the courts and forensic medicine departments of the countries in question. It was impossible to understand what it meant by "official documents". Moreover, photographs were not recognized as evidence by most judicial systems.

58. It appeared that Amnesty International was politically motivated against Turkey, as shown by the enormous increase in the size of its reports soon after Turkey's application to the European Community for full membership. Yet the political motivation of the allegations as another criterion for inadmissibility had not been taken into account by the two members of the Committee.

59. A terrorist group could easily use the communication system for the purpose of its struggle. The consistent allegations regarding techniques and places of torture might well be a sign of a smear campaign launched by individuals and associations connected with the terrorist organization. By repeating identical allegations, they might wish to exploit the sensitivity of public opinion to torture and gain sympathy and legitimacy for their terrorist activities. That tactic could be used with impunity in a democratic country like Turkey.

60. The associations in Turkey to which the report referred were not human rights organizations in the real sense of the word, but had been founded with the help of Amnesty International by individuals close to PKK or operated under the threat of that terrorist group. Those associations served as intermediaries for the organization of campaigns of allegations.

61. An approach that omitted the existence of PKK's terrorism and portrayed the Turkish security forces' action to combat terrorism as repression, together with allegations unsupported by clear evidence, had led the two members of the Committee to see things as they had wished. Such an inappropriate approach had naturally caused them to detect elements during their visit to Turkey that could at best be qualified as "circumstantial

evidence" indicating the alleged existence and systematic character of torture. It was therefore quite understandable that the Committee had conceded that only a small number of torture cases could be proved with absolute certainty. However, it was an obvious contradiction that the Committee had reached the conclusion of "the existence and systematic character of the practice of torture" in paragraph 58 of the summary account.

62. The Turkish Government had never denied that sporadic cases of torture might occur in Turkey. Moreover, it was almost impossible to eliminate torture completely in the struggle against savage terrorism. The Turkish Government had taken pains to improve its legislation and to control the anti-terrorist activities of its security forces. Killing innocent persons was, however, the gravest violation of human rights. No allegation, accusation or prejudice could divert the Government's attention from its basic objective of protecting the right to life.

63. The report contained familiar recommendations, the core of which was that the detention period should be reduced. The existence of a relatively long detention period in areas subject to a state of emergency had wrongly been taken as a priori evidence of the existence of torture. The length of detention was of crucial importance in action to combat terrorism, and that was why the practice of precautionary detention had existed until recently even in some European countries. At the present time, the Turkish Government was not prepared to reduce the detention period in order to satisfy the authors of the allegations of organized torture, whose main objective was to curb the efficiency of the fight against terrorism. Meanwhile, his Government hoped that, in cases where there was no "absolute certainty" of systematic torture, the Committee would remain within the bounds of the evidence available and act with the sense of dignity and responsibility called for by time-honoured legal tradition.

64. He wished to make the following recommendations to the States parties to the Convention:

1. Before taking a decision on the confidential procedure, the Committee should forward all allegations to the State party concerned and elicit its views.

2. The general context to be described in the confidential report in which allegations of torture were examined should be prepared in full cooperation with the State party concerned in order to avoid factual mistakes and crucial errors of approach.

3. The Committee should be extremely careful in designating members to make an inquiry. For a case with ethnic overtones, the Committee should not designate a member from a country which, because of its own ethnic particularities, readily embraced the causes of ethnic groups in other countries, sometimes to the extent of tolerating, on its own territory, their terrorist organizations. That situation called for special care if the member designated happened to belong to an ethnic group already engaged in an ethnic cause of its own. Members in that category should withdraw of their own free will from the inquiry so as not to endanger the credibility of the Committee.

4. The Committee should comply with the United Nations rules on geographical denominations.

5. In no way should the conclusions of an inquiry be conducive to interpretations against the territorial integrity and political unity of States parties.

6. In no way should the conclusions of the inquiry be conducive to condoning the killing of the innocent on the pretext of eliminating torture.

7. The reply of the State party to the confidential report should be annexed to the summary account if the latter was to be published.

65. Unless those conditions were met, his delegation would discourage States parties from cooperating with the Committee.

66. As a general recommendation, he proposed that the Meeting of States parties should discuss the work programme of the Committee against Torture. A new item to that effect should be included in the agenda of the next Meeting of States parties to the Convention.

67. The CHAIRMAN said that he was concerned about the charges made against the work of the two members of the Committee who had made the inquiry into the situation in Turkey and about the alleged disparity between the confidential report and the summary account.

68. All members of the Committee should, when investigating any country, bear in mind the fact that the credibility of their findings and their reports depended above all on their objectivity.

69. He noted that the Turkish authorities had cooperated with the members of the Committee in their investigations. In return, all countries, not only Turkey, needed to be sure that Committee members would act responsibly and with respect.

70. It was to be hoped that the Government of Turkey would not carry out its threat to discourage other States parties to the Convention from cooperating with the Committee unless certain conditions were met.

71. Mr. BEBARS (Egypt) said that his delegation fully supported the proposal made by the Chinese delegation concerning amendments to rules 16 and 17 of the rules of procedure (CAT/SP/2/Rev.1).

72. The meeting of State parties should consider the possibility of including in its agenda not only the election of officers and members of the Committee and the responsibilities of the State parties for the expenses referred to in article 17, paragraph 7, and article 18, paragraph 5, of the Convention, but also a review of the Committee's activities. That in no way would conflict with the annex to General Assembly resolution 39/46 of 10 December 1984, by which the Convention against Torture had been adopted.

73. His delegation had been surprised at the approach and the procedures followed by the Committee, which should base it conclusions on allegations communicated to it which were supported by uncontroversial and "clear evidence".

74. In its conclusions on the supplementary report of Egypt (CAT/C/SR.170), the Committee had relied heavily on biased allegations contained in the reports of certain non-governmental organizations. It should be noted that Egypt had still not made a declaration under article 22 of the Convention.

75. Egypt was currently having to deal with a vicious campaign of terror aimed at destabilizing and undermining its security and hindering the advance of democracy and a free market economy. Terrorist groups had resorted to violence, including the murder of innocent civilians, the assassination of police and security officers and threats to national unity and to freedom of thought, expression and opinion, in an attempt to achieve their objectives. As part of their propaganda campaign, terrorists had sought to establish direct contacts with some NGOs in order to publicize their false allegations of torture which would divert attention from their terrorist activities.

76. Most of the reports and bulletins issued by human rights NGOs cited the same cases without any changes. They did not in any way indicate a pattern or an established policy of the practice of torture. The Government of Egypt was trying to eradicate that practice, which was punishable under Egyptian legislation and contrary to the country's religion, customs and traditions.

77. Opposition in Egypt was authorized only through dialogue and democratic and peaceful means, not through terrorism, which was a form of torture. The Egyptian authorities continued to combat campaigns of terror, while fully respecting the Constitution and laws and the international human rights instruments to which Egypt was a party.

78. It had become the general rule for suspects in terrorist cases to allege that they had been tortured and there was ample evidence that suspects often inflicted wounds on themselves or their partners. Most cases involving alleged torture or the violation of human rights had been referred to the courts in recognition of the independence of the judiciary and its strict application of the rules and regulations safeguarding fundamental rights and freedoms.

79. The Committee against Torture should carry out its work and its activities on the basis of the mandate entrusted to it by the Convention against Torture. Its work should also be based on impartiality, objectivity, non-selectivity, transparency and cooperation and consultation with the States parties concerned. There had to be a clear understanding of what was meant by terms such as "reliable information" and "well-founded indications".

80. At the same time, national and international human rights NGOs should carry out their activities in full cooperation with the Governments concerned, making their reports objective and impartial in order to maintain their credibility and thereby encourage Governments to continue cooperating with them.

81. The phenomenon of terrorism in Egypt was never a justification in the minds of the authorities for resorting to torture. Egypt fully respected the provisions of the Convention against Torture because it believed in the need to eradicate torture wherever it was practised. Egypt cooperated with NGOs and would continue to do so.

82. The spirit of the Convention was based on constructive cooperation and consultation between States parties and the Committee, which should not in any way act as an instance of judgement or investigation, but as an impartial body for cooperation and consultation on human rights.

83. His delegation endorsed the statement by the Turkish delegation that the Committee had set an unfortunate precedent in the implementation of its confidential procedure and believed that the Committee's reports should be submitted to the Meetings of States parties to the Convention for approval before they were submitted to the General Assembly.

The meeting rose at 1.30 p.m.

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Chairman: Mr. NATH (Mauritius)

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Other matters

The meeting was called to order at 11 a.m.

OPENING OF THE MEETING BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL OF THE UNITED NATIONS (item 1 of the provisional agenda)

1. The TEMPORARY CHAIRMAN, speaking on behalf of the Secretary-General, declared open the Fourth Meeting of the States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

2. She first wished to announce that Mr. Ibrahima Fall, the Assistant-Secretary-General for Human Rights, had asked her to extend on his behalf a warm welcome to the distinguished representatives of the States parties to the Convention and to convey his regrets at his inability to attend, since he was away from Geneva.

3. Since the Third Meeting, on 26 November 1991, the ratifications of or accessions to the Convention had increased from 61 to 79. That was clearly a matter for satisfaction, reflecting as it did the international community's continuing interest in advancing the goals and objectives of the Convention. It was a particular pleasure to welcome the representatives of the new States parties who were attending for the first time.

4. She recalled that the Committee against Torture had been established by the States parties in accordance with article 17 of the Convention and had thus far held 11 sessions. During the four sessions convened since the last Meeting in 1991, the Committee had considered reports submitted by 28 States parties. The total number of reports due to date was 111. Of those, 66 had been received thus far. Apart from those received within the past few weeks or those whose consideration had been postponed at the request of the Governments concerned, all of them had been examined.

5. The Committee had continued its work relating to confidential inquiries under article 20 of the Convention and had considered a number of communications submitted under article 22. Its activities under the confidential procedures had increased during the past year or so. It had also been pursuing its efforts to strengthen cooperation and coordination with the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture and the European Committee for the Prevention of Torture and had discussed such other matters as the improvement of its methods of work, the question of a draft optional protocol to the Convention, which was under consideration in an open-ended working group of the Commission on Human Rights, and its contribution to the World Conference on Human Rights, in which its representatives had actively participated.

6. The Fourth Meeting of the States Parties had been convened primarily to take decisions on two important issues: the election of five members of the Committee against Torture to replace those whose terms of office would expire on 31 December 1993; and the question of the responsibilities of the States parties for the expenses referred to in article 17, paragraph 7, and article 18, paragraph 5, of the Convention.

7. Concerning the election of the five members of the Committee, she recalled that, in a note dated 15 June 1993, the Secretary-General had invited

the States parties to submit their nominations of candidates by 15 September 1993. The names of the persons so nominated and of the respective States parties were listed in document CAT/SP/15 and Adds. 1 to 4. In that connection, she announced that the Austrian Government had withdrawn the candidature of Mr. Wolfram Karl. The names of the five members of the Committee whose terms expired on 31 December 1993 and of the five members of the Committee who would continue to serve until 31 December 1995 were listed in annexes I and II, respectively. The biographical data furnished by the States parties concerned appeared in annex III.

8. Regarding the financial responsibilities of the States parties under the Convention, she drew attention to document CAT/SP/16 and Add.1, which contained the report submitted by the Secretary-General on the status of contributions received from States parties and of actual expenditures and anticipated commitments for the fifth and sixth financial periods of activities under the Convention (1992 and 1993) and the modalities of payment for the next financial period (1994). The representative of the Financial Resources Management Service would provide additional information in that regard shortly.

9. In January 1992, Australia had proposed amendments to the Convention with a view to including the financing of activities under the Convention in the regular budget of the United Nations. A conference of the States parties, convened by the Secretary-General in New York on 9 September 1992, had adopted those amendments, which had subsequently been endorsed by the General Assembly in its resolution 47/111. Amendments entered into force after they had been accepted by two thirds of the States parties. To date, seven States parties had notified the Secretary-General that they had accepted the amendments.

ELECTION OF THE CHAIRMAN (item 2 of the provisional agenda)

10. Mr. de RIEDMATTEN (Switzerland) nominated Mr. Nath (Mauritius) for the office of Chairman.

11. Mr. NATH (Mauritius) was elected Chairman by acclamation and took the Chair.

12. Mr. GHIKAS (Greece), speaking on behalf of the European Union, said that the European Union had stated its position on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), in many United Nations forums, such as the Meeting of the States parties to the Convention on the Rights of the Child in New York on 23 February. It wished to reiterate that its position had not changed since then.

13. Mr. KORHONEN (Finland), speaking on behalf of the four Nordic delegations of Denmark, Norway, Sweden and Finland, wished to reiterate the statements made by their Governments on a number of occasions on the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro), for example, at the Conference of the States parties to the Convention against Torture in New York on 9 November 1992.

14. Mr. SCHERK (Austria) said that his delegation wished to reiterate the statements that it had made on earlier occasions with regard to the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the Meeting.

15. Mr. DUBOIS (Canada) said that his delegation associated itself with the statements made by Greece, Finland and Austria concerning the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the Meeting.

ADOPTION OF THE AGENDA (item 3 of the provisional agenda) (CAT/SP/14)

16. The CHAIRMAN said that, if there was no objection, he would take it that the Meeting of States parties wished to adopt the provisional agenda (CAT/SP/14).

17. It was so decided.

18. The CHAIRMAN drew the attention of the Meeting to rules 2 and 3 of the rules of procedure, which provided that the credentials of representatives and the names of members of delegations should be submitted to the Secretary-General before the opening of the Meeting. The Secretary-General, in his note of 21 October 1993, had invited the States parties to be represented at that Meeting to forward the credentials of their representatives to him, if possible not less than one week before the date of the Meeting. He had been informed that the Secretary-General had yet to receive proper credentials from some of the States parties represented. He suggested that the representatives of those States parties should be entitled provisionally to participate in the Meeting and urged them to ensure that their credentials were submitted to the Secretary-General as soon as possible.

19. It was so decided.

ELECTION OF OTHER OFFICERS OF THE MEETING (agenda item 4)

20. The CHAIRMAN said that, under rule 4 of the rules of procedure, the Meeting was required to elect one to four Vice-Chairmen from among the representatives of the States parties.

21. Mr. MACRIS (Cyprus) nominated Mr. Yambao (Philippines) for the office of Vice-Chairman.

22. Mr. VENERA (Czech Republic), speaking on behalf of the group of East European countries, nominated Mr. Dembinski (Poland) for the office of Vice-Chairman.

23. Mr. Yambao (Philippines) and Mr. Dembinski (Poland) were elected Vice-Chairmen by acclamation.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1993, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 to 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (CAT/SP/15 and Adds. 1 to 4) (agenda item 5)

24. The CHAIRMAN said that, under article 17 of the Convention, the States parties had to elect five new members of the Committee to replace the members whose terms of office were due to expire on 1 December 1993. The new members would serve for a term of four years beginning in January 1994.

25. The names of the candidates and relevant biographical information were contained in document CAT/SP/15 and Adds. 1 to 4, which also gave the names of the five members whose terms of office were due to expire and of the five members who would continue to serve on the Committee until 31 December 1995.

26. The list of candidates consisted of 12 names and, under rule 14 of the rules of procedure, the election to fill the vacancies would be held by secret ballot.

27. A vote was taken by secret ballot.

28. At the invitation of the Chairman, Ms. Araujo (Portugal) and Mr. Guidetti (Switzerland) acted as tellers.

Number of ballot papers:	62
Invalid ballots:	None
Number of valid ballots:	62
Abstentions:	None
Number of representatives voting:	62
Required majority:	32
Number of votes obtained:	
Ms. Ahouandogbo (Benin)	3
Mr. Assouma (Togo)	3
Mr. Dipanda Mouelle (Cameroon)	23
Mr. Goncharenko (Ukraine)	12
Mrs. Iliopoulos-Strangas (Greece)	49
Mr. Karabec (Czech Republic)	25
Mr. Mikhailov (Bulgaria)	19
Mr. Oucharif (Morocco)	19
Mr. Regmi (Nepal)	27
Mr. Sadi (Jordan)	26
Mr. Sorensen (Denmark)	44
Mr. Yakovlev (Russian Federation)	42

29. Having obtained the required majority and the highest number of votes, Mrs. Iliopoulos-Strangas (Greece), Mr. Sorensen (Denmark) and Mr. Yakovlev (Russian Federation) were elected members of the Committee.

30. The CHAIRMAN said that, since the number of candidates elected was smaller than the number of vacancies, it was necessary under rule 15 of the rules of procedure to proceed to a second ballot to fill the remaining vacancies, the voting being restricted to those runners-up in the first ballot who had obtained the largest number of votes and the number of candidates being not greater than twice the number of remaining vacancies. The eligible candidates were: Mr. Dipanda Mouelle, Mr. Karabec, Mr. Regmi and Mr. Sadi.

31. He suggested that the second ballot might be deferred until the next meeting.

32. It was so decided.

RESPONSIBILITIES OF THE STATES PARTIES FOR THE EXPENSES REFERRED TO IN ARTICLE 17, PARAGRAPH 7, AND ARTICLE 18, PARAGRAPH 5, OF THE CONVENTION: REPORT OF THE SECRETARY-GENERAL (CAT/SP/16 and Add.1) (agenda item 6)

33. The CHAIRMAN drew attention to the report of the Secretary-General (CAT/SP/16 and Add.1) on the status of contributions received from States parties, actual expenditure during the first, second, third, fourth and fifth financial periods (1987-1992), estimated expenditure for the sixth financial period (1993), and anticipated commitments for the seventh and eighth financial periods (1994 and 1995).

34. Mrs. LATTUADA (Chief, Programme Planning and Budget Section, Financial Resources Management Service) said that the estimated budgets for 1994 and 1995 were based on the requirements of previous years and the projected increases in expenditure resulted from inflation rather than from a growth in resources. The estimates relating to conference servicing were based on the assumption that the Committee would continue to use four official languages. Paragraph 17 of the report dealt with the financial implications of using one or two additional languages.

35. As to the status of contributions, the report gave details of all contributions received up to 15 September 1993. Since that date, an additional $26,000 had been received, while total contributions so far received for all financial periods amounted to $5,996,000. Total outstanding contributions amounted to $1,560,000. Since total disbursements and commitments amounted to $6,180,000, the resulting shortfall was $184,000.

36. Document CAT/SP/16/Add.1 dealt with arrangements for financing the activities of the Committee. She drew attention to the fact that the current financial arrangements would be discontinued on 31 December 1993, in accordance with General Assembly resolution 47/111. As from 1 January 1994, the Committee would be financed from the regular United Nations budget.

37. The estimated programme budgets, as contained in document CAT/SP/16, were adopted by consensus.

38. The CHAIRMAN read out the text of the following draft resolution on the financial responsibilities of the States parties:

"The States parties to the Convention against Torture,

Meeting for the fourth time, on 24 November 1993,

Aware of their responsibilities under article 17, paragraph 7, and article 18, paragraph 5, of the Convention,

1. Take note of the report by the Secretary-General contained in document CAT/SP/16 and Add.1;

2. Welcome the adoption by the Conference of the States parties to the Convention, which was convened in New York on 9 September 1992, of the amendments to articles 17 and 18 of the Convention concerning the financial responsibilities of the States parties with regard to the activities implemented under the Convention;

3. Welcome the endorsement by the General Assembly, in its resolution 47/111 of 16 December 1992, of the amendments to articles 17 and 18 of the Convention;

4. Encourage States parties to accept those amendments without delay and to notify their acceptance in accordance with article 29, paragraph 2, of the Convention;

5. Urge States parties that have not yet paid their assessed contributions, and in particular those whose arrears pertain to two or more consecutive financial periods, to fulfil their obligations forthwith."

39. The draft resolution was adopted by consensus.

40. Mr. JIB YONGJIAN (China) drew attention to the fact that only some official United Nations languages were used at the Meetings of States parties to the Convention against Torture.

41. He proposed that the Chairman should hold consultations with States parties after the current Meeting with a view to the amendment of rules 16 and 17 of the rules of procedure of the Meetings of States parties to the Convention (CAT/SP/2/Rev.1) to ensure that all official and working languages of the United Nations could be used for the Meetings of States parties and for the official records of those Meetings.

42. The CHAIRMAN said that he would consult the Secretariat on that proposal.

43. Mr. AKTAN (Turkey) recalled that the Committee against Torture had concluded its confidential procedure on Turkey by circulating the summary account of its confidential report, which contained the grave accusation of the existence of systematic torture.

44. Since Turkey was the first country to which the Committee had applied the confidential procedure, the lessons to be drawn could be useful both for the Committee and for the States parties to the Convention.

45. Turkey was naturally disappointed at the outcome of the procedure, but had nevertheless done its best to cooperate with the two members of the Committee designated to make the inquiry.

46. He would refer to the confidential report rather than to the summary account, since it concealed the mistakes embodied in the report. Those mistakes were by no means trivial, however; indeed, they were so important that they had determined the outcome of the procedure. Although the summary account had conjured away those mistakes, it had, illogically, preserved the conclusion of the confidential report.

47. In the confidential report, the two members of the Committee had described a general context within which torture was perpetrated. It contained several mistakes and made absolutely no mention of terrorism. For example, according to the two members of the Committee, the Turkish security forces were fighting the "Kurdish population", estimated at 12 million, in the south-eastern region of Turkey, which they called "Kurdistan"; and, in that struggle, PKK "combatants" and "activists", who were identified with the "Kurdish population", were imprisoned by Turkey for political crimes. The outcome of the inquiry had been predetermined by placing the practice of torture within that context. Turkish security forces were presented as systematically torturing the "Kurdish population" or "PKK combatants" as part of their broader repression.

48. The context described in the confidential report did not correspond to the facts. The entire population of the south-eastern region of Turkey was not 12 million persons, but 2.9 million, and they were not all Kurds. Moreover, most of the violent incidents took place in certain parts of that region. The Kurdish population probably numbered about 10 million in all; more than 3 million of them spoke an altogether different dialect and did not consider themselves Kurds. Most of the Kurds lived in western Turkey in peace and tranquillity.

49. Historically, there had never been a region called "Kurdistan". Within the United Nations, the use of geographical denominations not accepted by Member States was inadmissible, in accordance with a resolution of the third United Nations Conference on the Standardization of Geographical Names, held in Athens in September 1977. The members of the Committee should therefore avoid using the loose terminology of certain irresponsible non-governmental organizations.

50. PKK had started its campaign on 15 August 1984 by murdering 54 Kurdish civilians, mostly women and children, in the village of Pinarcik. Since then, they had killed more than 2,000 people, mostly Kurds. Turkish security forces tried to stop the killing of innocent Kurds by the few PKK terrorists and their supporters, who were trained or indoctrinated in some of Turkey's neighbouring countries and in Europe.

51. In view of the number of innocent Kurdish victims, it was therefore correct to say that there was a terrorist organization in the south-eastern region. Calling it anything but terrorist would be an attempt to legitimize it, and that was not befitting in a United Nations legal body.

52. Contrary to what the two members of the Committee had suggested, Turkey had no punishment for political crimes in its legislation and there were no political prisoners or political prisons in Turkey.

53. To perceive the conflict in the south-eastern region of Turkey as taking place between Turkish security forces and the Kurdish population was therefore illusory.

54. In paragraph 5 of their report, the two members of the Committee said that the information forwarded by non-governmental organizations was "credible" and contained well-founded indications that torture was

systematically practised in Turkey. In fact, the two members had never tried to verify the allegations with the Turkish authorities. It was safe to guess that none of those allegations, most of which had been sent by Amnesty International, was supported by "clear evidence". In a letter to that organization dated 5 March 1992, the Turkish Government had asked how it justified allegations when domestic as well as international judicial means were available to the victims; and how Amnesty International interpreted the concept of "clear evidence".

55. No communication by or on behalf of any individual subject to Turkish jurisdiction had ever been submitted to the Committee under article 22 of the Convention. Moreover, Turkey was one of the members of the Council of Europe against which the fewest individual communications of torture had been filed.

56. In its reply of 26 April 1993, Amnesty International had stated that the allegations were supported by a wide range of evidence: court judgements, official documents, medical certificates and photographs.

57. None the less, all of Amnesty International's reports, presumably including the one submitted to the Committee, were full of unsubstantiated allegations. Amnesty International always criticized the courts and forensic medicine departments of the countries in question. It was impossible to understand what it meant by "official documents". Moreover, photographs were not recognized as evidence by most judicial systems.

58. It appeared that Amnesty International was politically motivated against Turkey, as shown by the enormous increase in the size of its reports soon after Turkey's application to the European Community for full membership. Yet the political motivation of the allegations as another criterion for inadmissibility had not been taken into account by the two members of the Committee.

59. A terrorist group could easily use the communication system for the purpose of its struggle. The consistent allegations regarding techniques and places of torture might well be a sign of a smear campaign launched by individuals and associations connected with the terrorist organization. By repeating identical allegations, they might wish to exploit the sensitivity of public opinion to torture and gain sympathy and legitimacy for their terrorist activities. That tactic could be used with impunity in a democratic country like Turkey.

60. The associations in Turkey to which the report referred were not human rights organizations in the real sense of the word, but had been founded with the help of Amnesty International by individuals close to PKK or operated under the threat of that terrorist group. Those associations served as intermediaries for the organization of campaigns of allegations.

61. An approach that omitted the existence of PKK's terrorism and portrayed the Turkish security forces' action to combat terrorism as repression, together with allegations unsupported by clear evidence, had led the two members of the Committee to see things as they had wished. Such an inappropriate approach had naturally caused them to detect elements during their visit to Turkey that could at best be qualified as "circumstantial

evidence" indicating the alleged existence and systematic character of torture. It was therefore quite understandable that the Committee had conceded that only a small number of torture cases could be proved with absolute certainty. However, it was an obvious contradiction that the Committee had reached the conclusion of "the existence and systematic character of the practice of torture" in paragraph 58 of the summary account.

62. The Turkish Government had never denied that sporadic cases of torture might occur in Turkey. Moreover, it was almost impossible to eliminate torture completely in the struggle against savage terrorism. The Turkish Government had taken pains to improve its legislation and to control the anti-terrorist activities of its security forces. Killing innocent persons was, however, the gravest violation of human rights. No allegation, accusation or prejudice could divert the Government's attention from its basic objective of protecting the right to life.

63. The report contained familiar recommendations, the core of which was that the detention period should be reduced. The existence of a relatively long detention period in areas subject to a state of emergency had wrongly been taken as a priori evidence of the existence of torture. The length of detention was of crucial importance in action to combat terrorism, and that was why the practice of precautionary detention had existed until recently even in some European countries. At the present time, the Turkish Government was not prepared to reduce the detention period in order to satisfy the authors of the allegations of organized torture, whose main objective was to curb the efficiency of the fight against terrorism. Meanwhile, his Government hoped that, in cases where there was no "absolute certainty" of systematic torture, the Committee would remain within the bounds of the evidence available and act with the sense of dignity and responsibility called for by time-honoured legal tradition.

64. He wished to make the following recommendations to the States parties to the Convention:

1. Before taking a decision on the confidential procedure, the Committee should forward all allegations to the State party concerned and elicit its views.

2. The general context to be described in the confidential report in which allegations of torture were examined should be prepared in full cooperation with the State party concerned in order to avoid factual mistakes and crucial errors of approach.

3. The Committee should be extremely careful in designating members to make an inquiry. For a case with ethnic overtones, the Committee should not designate a member from a country which, because of its own ethnic particularities, readily embraced the causes of ethnic groups in other countries, sometimes to the extent of tolerating, on its own territory, their terrorist organizations. That situation called for special care if the member designated happened to belong to an ethnic group already engaged in an ethnic cause of its own. Members in that category should withdraw of their own free will from the inquiry so as not to endanger the credibility of the Committee.

4. The Committee should comply with the United Nations rules on geographical denominations.

5. In no way should the conclusions of an inquiry be conducive to interpretations against the territorial integrity and political unity of States parties.

6. In no way should the conclusions of the inquiry be conducive to condoning the killing of the innocent on the pretext of eliminating torture.

7. The reply of the State party to the confidential report should be annexed to the summary account if the latter was to be published.

65. Unless those conditions were met, his delegation would discourage States parties from cooperating with the Committee.

66. As a general recommendation, he proposed that the Meeting of States parties should discuss the work programme of the Committee against Torture. A new item to that effect should be included in the agenda of the next Meeting of States parties to the Convention.

67. The CHAIRMAN said that he was concerned about the charges made against the work of the two members of the Committee who had made the inquiry into the situation in Turkey and about the alleged disparity between the confidential report and the summary account.

68. All members of the Committee should, when investigating any country, bear in mind the fact that the credibility of their findings and their reports depended above all on their objectivity.

69. He noted that the Turkish authorities had cooperated with the members of the Committee in their investigations. In return, all countries, not only Turkey, needed to be sure that Committee members would act responsibly and with respect.

70. It was to be hoped that the Government of Turkey would not carry out its threat to discourage other States parties to the Convention from cooperating with the Committee unless certain conditions were met.

71. Mr. BEBARS (Egypt) said that his delegation fully supported the proposal made by the Chinese delegation concerning amendments to rules 16 and 17 of the rules of procedure (CAT/SP/2/Rev.1).

72. The meeting of State parties should consider the possibility of including in its agenda not only the election of officers and members of the Committee and the responsibilities of the State parties for the expenses referred to in article 17, paragraph 7, and article 18, paragraph 5, of the Convention, but also a review of the Committee's activities. That in no way would conflict with the annex to General Assembly resolution 39/46 of 10 December 1984, by which the Convention against Torture had been adopted.

73. His delegation had been surprised at the approach and the procedures followed by the Committee, which should base it conclusions on allegations communicated to it which were supported by uncontroversial and "clear evidence".

74. In its conclusions on the supplementary report of Egypt (CAT/C/SR.170), the Committee had relied heavily on biased allegations contained in the reports of certain non-governmental organizations. It should be noted that Egypt had still not made a declaration under article 22 of the Convention.

75. Egypt was currently having to deal with a vicious campaign of terror aimed at destabilizing and undermining its security and hindering the advance of democracy and a free market economy. Terrorist groups had resorted to violence, including the murder of innocent civilians, the assassination of police and security officers and threats to national unity and to freedom of thought, expression and opinion, in an attempt to achieve their objectives. As part of their propaganda campaign, terrorists had sought to establish direct contacts with some NGOs in order to publicize their false allegations of torture which would divert attention from their terrorist activities.

76. Most of the reports and bulletins issued by human rights NGOs cited the same cases without any changes. They did not in any way indicate a pattern or an established policy of the practice of torture. The Government of Egypt was trying to eradicate that practice, which was punishable under Egyptian legislation and contrary to the country's religion, customs and traditions.

77. Opposition in Egypt was authorized only through dialogue and democratic and peaceful means, not through terrorism, which was a form of torture. The Egyptian authorities continued to combat campaigns of terror, while fully respecting the Constitution and laws and the international human rights instruments to which Egypt was a party.

78. It had become the general rule for suspects in terrorist cases to allege that they had been tortured and there was ample evidence that suspects often inflicted wounds on themselves or their partners. Most cases involving alleged torture or the violation of human rights had been referred to the courts in recognition of the independence of the judiciary and its strict application of the rules and regulations safeguarding fundamental rights and freedoms.

79. The Committee against Torture should carry out its work and its activities on the basis of the mandate entrusted to it by the Convention against Torture. Its work should also be based on impartiality, objectivity, non-selectivity, transparency and cooperation and consultation with the States parties concerned. There had to be a clear understanding of what was meant by terms such as "reliable information" and "well-founded indications".

80. At the same time, national and international human rights NGOs should carry out their activities in full cooperation with the Governments concerned, making their reports objective and impartial in order to maintain their credibility and thereby encourage Governments to continue cooperating with them.

81. The phenomenon of terrorism in Egypt was never a justification in the minds of the authorities for resorting to torture. Egypt fully respected the provisions of the Convention against Torture because it believed in the need to eradicate torture wherever it was practised. Egypt cooperated with NGOs and would continue to do so.

82. The spirit of the Convention was based on constructive cooperation and consultation between States parties and the Committee, which should not in any way act as an instance of judgement or investigation, but as an impartial body for cooperation and consultation on human rights.

83. His delegation endorsed the statement by the Turkish delegation that the Committee had set an unfortunate precedent in the implementation of its confidential procedure and believed that the Committee's reports should be submitted to the Meetings of States parties to the Convention for approval before they were submitted to the General Assembly.

The meeting rose at 1.30 p.m.

UNITED NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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MEETING OF THE STATES PARTIES TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Fourth Meeting

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 24 November 1993, at 3.30 p.m.

Chairman: Mr. GIAN NATH (Mauritius)

CONTENTS

Election of five members of the Committee against Torture to replace those whose terms of office will expire on 31 December 1993, in accordance with article 17, paragraphs 1 to 5, of the Convention: Note by the Secretary-General (CAT/SP/15 and addenda) (continued)

Other matters (continued)

Closure of the meeting

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of this Meeting will be consolidated in a single corrigendum.

GE.93-85730 (E)

The meeting was called to order at 3.45 p.m.

ELECTION OF FIVE MEMBERS OF THE COMMITTEE AGAINST TORTURE TO REPLACE THOSE WHOSE TERMS OF OFFICE WILL EXPIRE ON 31 DECEMBER 1993, IN ACCORDANCE WITH ARTICLE 17, PARAGRAPHS 1 TO 5, OF THE CONVENTION: NOTE BY THE SECRETARY-GENERAL (CAT/SP/15 and addenda) (continued) (agenda item 5) (CAT/SP/15 and Add.1 to 4)

1. The CHAIRMAN announced that a second vote would be taken by secret ballot to continue the election of members of the Committee against Torture.

2. Mr. Guidetti (Switzerland) and Mrs. Araujo (Portugal) continued to act as tellers.

3. The CHAIRMAN announced the results of the second ballot:

Number of ballot papers:	61
Number of invalid ballots:	2
Number of valid ballots:	59
Abstentions:	1
Number of representatives voting:	58
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	28
Mr. Karabec (Czech Republic)	27
Mr. Regmi (Nepal)	26
Mr. Sadi (Jordan)	24

4. The CHAIRMAN announced that, since no candidate had obtained the required majority, a third vote would be taken by secret ballot.

5. Mr. CHAPLIN (United Kingdom) asked what would happen if no candidate obtained the required majority in the next ballot.

6. Mr. BRUNI (Secretary of the Committee) read out the English version of rule 15 of the rules of procedure of the Meetings of States Parties (CAT/SP/2/Rev.1). If no candidate obtained the required majority in the third ballot, a further vote would be taken.

7. The CHAIRMAN announced the results of the third ballot:

Number of ballot papers:	60
Number of invalid ballots:	1
Number of valid ballots:	59
Abstentions:	None
Number of representatives voting:	59
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	27
Mr. Karabec (Czech Republic)	26
Mr. Regmi (Nepal)	30
Mr. Sadi (Jordan)	20

8. Having obtained the required majority, Mr. Regmi was elected member of the Committee against Torture for a four-year term beginning on 1 January 1994.

9. The CHAIRMAN announced that one other candidate still had to be elected; the representatives of the States parties would be required to vote for either Mr. Dipanda Mouelle (Cameroon) or Mr. Karabec (Czech Republic).

10. Mr. CHABEN (Uruguay), Mr. LAGHMARI (Morocco), Mr. GEGMAN (Yemen) and Mr. TALHAIRI (Jordan) objected to that procedure and referred to rule 15 of the rules of procedure, which stated that "after the third inconclusive ballot, votes may be cast for any eligible nominee".

11. Mr. BRUNI (Secretary of the Committee) emphasized the need to restrict the voting in the next ballot to the candidates who had obtained the largest number of votes in the previous ballot, namely, Mr. Dipanda Mouelle and Mr. Karabec. The extract quoted from rule 15 in fact referred to the third "inconclusive" ballot after the first ballot in which the persons elected to the Committee were those nominees who obtained the largest number of votes and an absolute majority of the votes of the representatives of States parties present and voting. It did not apply to the current situation.

12. The CHAIRMAN endorsed the secretariat's position concerning rule 15 and said that it was also necessary to respect the precedent established on the basis of legal advice during the election of members of the Committee on the Rights of the Child.

13. Mr. CHABEN (Uruguay) said that the text of rule 15 should be harmonized in all languages; the Spanish version, which read "si después de la tercera votación no se hubieran cubierto esos puestos", did not contain the word "inconclusive", as used in the English and French versions.

14. The CHAIRMAN took note of that request and called for a further ballot, under the conditions that had just been specified.

15. The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.

16. The CHAIRMAN announced the results of the fourth ballot:

Number of ballot papers:	60
Number of invalid ballots:	None
Number of valid ballots:	60
Abstentions:	2
Number of representatives voting:	58
Required majority:	30
Number of votes obtained:	
Mr. Dipanda Mouelle (Cameroon)	30
Mr. Karabec (Czech Republic)	28

17. Having obtained the required majority, Mr. Dipanda Mouelle was re-elected member of the Committee against Torture for a four-year term beginning on 1 January 1994.

18. The CHAIRMAN congratulated the newly elected members.

OTHER MATTERS (continued) (agenda item 7)

19. Mr. GEGMAN (Yemen) said that he wished to revert to two points raised at the previous meeting. Firstly, his delegation considered that the States parties should have more input in the Committee's activities and that the Meetings of the States Parties to the Convention should not be confined to simply electing members of the Committee. The Meetings were, of course, concerned with the Committee's budget, as well as other matters, but should perhaps also take a closer interest in the functioning of the Committee. His delegation therefore supported the idea of enabling the Meetings of the States Parties to contribute very actively to the work of the Committee against Torture.

20. Secondly, with regard to rules 16 and 17 of the rules of procedure, his delegation protected against the fact that two official languages of the United Nations were not used in the Meetings of the States Parties. He proposed that those rules should be amended and that all the Organization's official languages should be working languages of Meetings of the States Parties to the Convention against Torture.

21. He would appreciate a positive response concerning those two questions as early as possible since the Committee's activities and, consequently, the implementation of the Convention against Torture could only benefit therefrom.

22. The CHAIRMAN reminded representatives that the rules of procedure of the Meetings of the States Parties dated from July 1989, and pointed out that the cost to the States parties would be US$ 304,900 in 1994 and US$ 328,200 in 1995 for each additional language. That amounted to more than US$ 600,000 annually, a point to which the Meeting would have to give some thought. He had, in any event, taken note of the proposal, and which consultations would need to be held.

23. Mr. BEBARS (Egypt) said that his country had also supported the proposal to make Arabic and Chinese official languages of the Meetings of the States Parties.

24. Mr. SEZGIN (Turkey) referred to the formal proposal made at the previous meeting by his delegation and supported by two others, to introduce a new agenda item concerning the Committee's work. He would like to know what action would be taken on that proposal.

25. Mrs. KLEIN (Representative of the Secretary-General) noted that the agenda of the Meetings of the States Parties had not originally included an item entitled "Other matters" and that it had been added at the request of the States parties. By definition, any matter could be raised under that agenda item. However, if the Meeting wished to add another item to its agenda, it would have to take a decision to that effect and legal advice would then have to be requested.

26. Mr. SEZGIN (Turkey) sought clarification as to whether agenda item 7, "Other matters", was the appropriate item for substantive discussion on the operation of the Convention and the work of the Committee. He wished to be sure that his delegation's statement at the previous meeting really came within the scope of item 7 of the agenda for the current session.

27. The CHAIRMAN replied in the affirmative and said that it would be advisable for the Turkish delegation to take the necessary steps at the end of the Meeting to ensure that its proposal was acted upon.

28. Mrs. PENNEGARD (Sweden) said that she wished to express her delegation's concern about the statement made by the representative of Turkey. In the limited time available, her delegation had consulted some other delegations and knew that its concern was shared by a number of them, including the delegations of the other Nordic countries and those of Australia, Austria, Canada, Italy, France, Germany, the Netherlands, New Zealand, the United Kingdom, the Russian Federation and Switzerland.

29. Those delegations respected the right of States parties to express their views on matters of concern to them. However, they believed that it was important to safeguard the well-established practice that the Meetings of the States Parties should be devoted only to their primary tasks, namely, the election of members of the Committee against Torture, financial questions relating to implementation of the Convention and other general matters, and not deal with specific reports or cases considered by the Committee.

30. Mr. SEZGIN (Turkey) said that he wished to clarify a point in reply to the representative of Sweden. The rules of procedure in no way prevented delegations from making statements on matters of direct concern to the States parties; on the contrary, the Meetings were a particularly appropriate forum in which to discuss the Committee's work. Furthermore, the rules of procedure did not prevent delegations from raising substantive problems under the agenda item entitled "Other matters". To avoid any misunderstanding, he wished to reiterate that a specific item concerning the Committee's work should be included in the agenda of the next Meeting. The time available was obviously limited but the States parties must be allowed to do more than act as mere spectators.

31. Mr. BEBARS (Egypt) supported the representative of Turkey.

32. Mr. LAGHMARI (Morocco) likewise supported the statement by the representative of Turkey. In addition, he endorsed the proposal that all the official languages ~~of~~ the United Nations should be working languages of the Meetings of the States Parties; that should also be the case for the meetings of the Committee against Torture.

33. Mr. SCHERK (Austria) pointed out that the report of the Committee against Torture would have to be made available for any discussion of the Committee's work. That report, however, was prepared for the General Assembly and the Commission on Human Rights, which were the appropriate bodies to discuss it. Moreover, delegations should not lose sight of the important fact that the Committee against Torture was an independent body and it was not for the States parties to question that independence; their function was to elect the members of the Committee.

34. Mr. SEZGIN (Turkey) referred the representative of Austria to article 24 of the Convention against Torture, which required the Committee to submit its annual report "to the States Parties and to the General Assembly". It made no mention of the Commission on Human Rights but certainly did refer to the States parties.

35. The CHAIRMAN said that he did not wish the Meeting to become engaged in polemics over the point at issue. It was clear that delegations as well as the secretariat had taken due note of the very coherent views expressed on each side. Recalling that the Committee's tasks were set forth in articles 19 to 24 of the Convention, he closed the discussion under agenda item 7.

CLOSURE OF THE MEETING

36. After an exchange of courtesies, the CHAIRMAN declared the Meeting closed.

The meeting rose at 5.25 p.m.